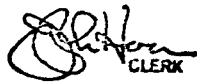


UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

**FILED**  
APR 14 2011  
  
CLERK

0-0

CIV. 11- 4049

ALISHA PRINSEN, :

Plaintiff, :

vs. : NOTICE OF AND PETITION FOR

REMOVAL

STATE FARM MUTUAL AUTO :  
INSURANCE COMPANY, :

Defendant. :

0-0

TO THE ABOVE-ENTITLED COURT:

Defendant State Farm Mutual Automobile Insurance Company hereby files this Notice of Removal of the above-described action to the United States District Court for the District of South Dakota, Southern Division, from the South Dakota Circuit Court, Second Judicial Circuit, Minnehaha County, where the action is now pending, and states:

1. This action is a claim for breach of contract and vexatious denial arising out of a claim for underinsured motorist benefits and the United States District Court for the District of South Dakota has jurisdiction by reason of the diversity of citizenship of the parties.

2. When the action was commenced on March 18, 2011, Defendant State Farm Mutual Automobile Insurance Company was, and now is a corporation organized,

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formed and incorporated in and under the laws of the State of Illinois, having its principal place of business in the State of Illinois.

3. At all times, and on March 18, 2011, when the action was commenced in Minnehaha County, Second Judicial Circuit, Plaintiff was, and now is a resident of South Dakota.

4. The Court has jurisdiction over this matter under 28 U.S.C. § 1332 because there is diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00.

5. State Farm Mutual Automobile Insurance Company received actual notice of this action when it received a copy of the Summons and Complaint on March 25, 2011. The South Dakota Department of Revenue and Regulation purported to admit service on behalf of State Farm Mutual Automobile Insurance Company on March 18, 2011.

6. Attached to and filed with this notice are copies of the Amended Summons, Amended Complaint and Jury Trial Demand, which are the only process, pleadings, or orders served upon Defendants or on file in this matter.

7. With respect to the amount in controversy, Plaintiff's Complaint seeks damages for injuries and other claimed damages, pre-judgment and post-judgment interest and costs and disbursements and attorney's fees. The amount Plaintiff seeks to

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recover from Defendant exceeds Seventy Five Thousand Dollars (\$75,000), exclusive of interest and costs.

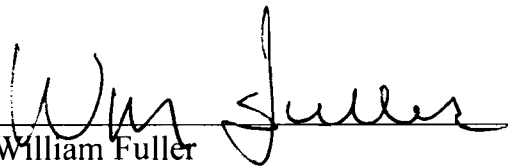
8. Defendant will give written notice of the filing of this notice as required by 28 U.S.C. § 1446(d).

9. A copy of this notice will be filed with the Minnehaha County Clerk of the South Dakota Circuit Court, Second Judicial Circuit, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant requests that this action proceed in this Court as an action properly removed to it.

Dated this 14th day of April, 2011.

FULLER & SABERS, LLP

  
\_\_\_\_\_  
William Fuller

7521 S. Louise Avenue

Sioux Falls, SD 57108

Phone 605-333-0003

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Attorneys for Defendants

### **Certificate of Service**

I certify that on the 14th day of April, 2011, a true and correct copy of the foregoing Notice of and Petition for Removal was served via E-Filing upon the following:

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Page 4

Mr. Brian Radke  
Ms. Sara Liberko  
Radke Law Office, P.C.  
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Sioux Falls, SD 57105  
Attorneys for Plaintiff

  
One of the Attorneys for Defendants